

# **California Department of Corrections and Rehabilitation Secure Community Reentry Facilities**

## **FREQUENTLY ASKED QUESTIONS**

This document provides answers to the most frequently asked questions about California Department of Corrections and Rehabilitation (CDCR) Secure Community Reentry Facilities (SCRF) and the real estate processes related thereto. It is intended to provide clarification to specific items in order to assist local communities who are partnering with the state. For additional clarification or for questions that are not addressed in this document, you are encouraged to contact CDCR staff Dwight Weathers, Deputy Director, Acquisition and Disposition Branch at (916) 255-1107; Karen L. Heintschel, Assistant Chief, Adult Programs at (916) 217-7649 or Paula Gutierrez, Deputy Director, Asset Management Branch at (916) 255-2584.

### **SITING AGREEMENT**

1. Q: In the Siting Agreement, Pg. 2, second recital paragraph “Whereas, 15 C.C.R. section 1747.5(b).....”: [Subsection] (b) requests language that the proposed property reentry location is agreeable to CDCR, but this information will not come from CDCR until the Siting Agreement is complete. Is the language from CDCR based on preliminary site visits? If not will this language from CDCR follow the submittal of the Siting Agreement?

A: CDCR will determine whether the proposed reentry location is “agreeable to CDCR” based upon preliminary due diligence that may include site visits. CDCR’s determination that the proposed site is “agreeable to CDCR” for inclusion in the Siting Agreement (SA) is a condition precedent to CDCR entering into the SA with the County.

2. Q: Page 2, subsection (e) of the second recital paragraph of the Siting Agreement includes a requirement for a description of staffing and operations by the County, but the County is not responsible for these functions. What is the County expected to submit in this description?

A: A description of staffing and operations is not required.

3. Q: On page 3, #1b (2): Does “conditional award” include by definition the actual receipt of funding upon County jail completion? If not, on what grounds does the County have the ability to terminate the agreement if funding does not come through?

A: The “conditional award” by the Corrections Standards Authority does not include actual receipt of funding. If the County enters into the SA and receives a conditional award, the County may not terminate the SA.

4. Q: Pg. 6, #4: Paragraph includes language that the County shall provide a commitment that it will assist and cooperate with operating the Reentry Facility. Since this can only be done by State Employees, what do Counties need to commit to?

A: This provision is intended to memorialize the County’s commitment that the County will not exercise its discretion in a manner that materially interferes with

the facility's operation. Furthermore, CDCR may contract with or otherwise be involved with a County and/or local providers for the provision of services for which CDCR currently contracts in its existing prison facilities, e.g. substance abuse programs. The success of reentry facilities is greatly dependent upon the seamless transition of offenders back into their home communities. In this regard it is expected that the County and community-based organizations will work closely with CDCR to jointly offer services and support to assist in offender reintegration. The planned services and operations for CDCR SCRFs were outlined in the Secure Reentry Planning Guide issued to Counties in July 2008.

5. Q: In the SA, Counties are required to submit various information in Exhibit B but it is unclear what we are obligated to submit?

A: A template of Exhibit B has been provided, as an option for counties, at the following link: <http://www.cdcr.ca.gov/Reentry/index.html> that describes what the counties should provide to satisfy this section.

6. Q: In the Siting Agreement, Exhibit A, the State Public Works Board (SPWB) CDCR Jail Lease Revenue Bond Program Agreements diagram – depicts the “Operation Maintenance Agreement.” What is this and what is it intended to cover?

A: The Operation and Maintenance Agreement (OMA) is one of the program agreements that will provide assurance to the state that the County will maintain and operate the jail facility consistent with the terms of the state's financing leases. The OMA is not intended to govern program operations within the jail facility; to the extent the programs do not significantly impact the operations and maintenance of the jail facility.

7. Q: When will the Exhibits referenced in the SA be available?

A: To date all SA exhibits are available with the exception of Exhibit D, The Property Acquisition Agreement (PAA). The draft PAA is illustrative of the type of document the State would use to negotiate and purchase property and provides a typical template outlining standard terms and conditions for property acquisition by the state. The final PAA document is subject to approval by the Department of Finance, State Public Works Board and Department of General Services. A draft PAA has been provided at the following link: <http://www.cdcr.ca.gov/Reentry/index.html>

8. Q: Is CDCR willing to negotiate the terms of SA with individual counties on both substantive and non-substantive issues?

A: No, CDCR is not able to negotiate individual terms with each county, other than to address very site-specific issues. It is important to CDCR and CSA that we maintain the integrity of the SA and keep the terms and conditions uniform for all counties throughout the CSA process. However, CDCR has and will continue to make staff available to provide clarification, to all counties, of any items contained within the SA. In addition, individual County negotiations will ensue during the Property Acquisition phase of CDCR's process.

9. Q: Who at CDCR should we contact to discuss an edited reentry Siting Agreement that we are working on?

A: The SA may not be negotiated and edits will not be considered. However, to the extent that you have questions or need clarification about the SA that are not addressed as part of this document, the email distributing the SA on June 27 states that counties should contact CDCR staff Dwight Weathers and Paula Gutierrez.

10. Q: To whom at CDCR should I submit my executed SA when I am ready to submit?

A: Counties may submit their SA to Dwight Weathers or Paula Gutierrez at 9838 Old Placerville Road, Suite B, Sacramento, CA 95827. Counties should submit three original counterparts. Tri-Counties should include additional counterparts for their partnering counties.

### **PHYSICAL PLANT AND ACQUISITION**

11. Q: Is CDCR willing to build Secure Community Reentry Facilities (SCRFs) housing less than 500 offenders?

A: Pursuant to AB 900, SCRFs will consist of a maximum of 500 beds. CDCR's plans are based largely on a 500-bed facility due primarily to economies of scale for both construction and operational costs. Therefore, smaller counties are encouraged to form regional-based consortiums along with similarly situated counties to provide reentry opportunities for inmates returning to those communities. CDCR will review with the County the eligible inmate population for the proposed SCRF and will make the final determination regarding the number of beds at each facility. In some cases, CDCR may consider SCRFs housing less than 500 offenders.

12. Q: How many inmates will be housed in each SCRF?

A: CDCR will evaluate and determine the number of inmates to be housed in each SCRF based on the parameters listed within AB 900 (eligible County-specific inmates, maximum of 500 inmates per facility). The physical plant will be designed in accordance with this determination.

13. Q: Can a Reentry Facility share any infrastructure or physical plant space with an adjoining County facility, i.e., a County jail?

A: CDCR will consider this on a case by case basis and make recommendations to the State Public Works Board (SPWB), the entity issuing the financing for the project for decision. As a general rule the state should have full operational control of its facilities; however, other factors may be considered such as the cost effectiveness of the services derived from the shared arrangement, the practical ability for the state to acquire on its own the services otherwise contemplated for sharing, and qualitative benefits that could be realized through such a partnership.

14. Q: Will CDCR entertain deed restrictions or restrict future land use?

A: As a general rule, the state does not acquire property with reversion clauses or restrictions that limit the state's use of the property. In rare instances this is feasible especially in situations where the property is donated at no cost to the state. However, no such use restriction or reversion clause is permissible during

the time the lease revenue bonds that finance and refinance the project are outstanding.

### **COUNTY OBLIGATIONS**

15. Q: Will counties be required to reimburse the state if a reentry site 'falls through'?

A: No such provision exists in current law. There is a trailer bill proposal in the Legislature that would require such a reimbursement; however, it is only a proposal at this point. It would be speculative for CDCR to interpret legislation that does not yet exist.

16. Q: What prerequisites must be satisfied for CDCR in order for counties to take a County jail project to the Public Works Board (PWB)?

A: In addition to an executed SA for a SCRF that contains at least one designated site, and a conditional award from the Corrections Standards Authority (CSA), CDCR will require the full participation of the counties to provide all information required by CDCR to make its determination of the "buildability" of the site(s), approval of the site by the PWB, the execution by an authorized County representative of the State's purchase agreement for a "buildable site", or an option to purchase same if funds are not immediately available to the State for acquisition of the property, prior to presenting the jail project to the State Public Works Board (PWB). CDCR has a maximum of 18 months after its execution of the SA to make a determination that the County has not offered any buildable reentry sites and, as a result, the County has not complied with Govt. Code section 15820.907(b)'s requirement. To the extent possible, CSA shall ensure that funds for the construction of new jail beds be coordinated with CDCR's efforts to site new reentry facilities. Other documents and requirements of the counties for its jail projects are set forth in the CSA RFP issued 12/20/2007.

17. Q: Can a County identify a buildable reentry site that does not meet the requirements of AB 900 (i.e., not being located within an urban community and not having the necessary infrastructure needs)?

A: Proposed reentry sites must meet all requirements set forth in AB 900, any subsequent rules and regulations promulgated by the CSA Board and/or CDCR governing the reentry siting process. As a point of clarification, the "urban community" reference is listed as a preference rather than a requirement (PC 6271 "...to the extent possible be sited in urban locations."). Pursuant to the Siting Agreement, page 3, Paragraph 2 (a) the CDCR determines in its sole and reasonable discretion that a site offered by a County is a buildable site, suitable for the construction and operation of a Reentry Facility. Constraints that may render the construction and operation of a Reentry Facility unsuitable include, but are by all means not limited to, geologic topographic hazards or limitations, excessive cost of infrastructure or limitation on the availability of utilities, access, and emergency services, community opposition to the degree that CDCR cannot successfully complete its EIR processes. Refer to SA for additional consideration and constraints.

18. Q: What obligation(s) will counties have who agree to partner on a SCRF if they are not receiving any jail bond funding; i.e., a partner County agrees that offenders from their County can be included in the facility's population? Will they be required to sign any substantive documents even if they are not receiving jail bond funding? Will there be any costs incurred by these counties? Will they receive preference points in Phase II if they decide to apply for jail bond funding?

A: Where County "A" and County "B" partner to host a SCRF, and County B has not applied for jail bond funding, CDCR will require an agreement to address contingencies that may arise if County B ceases to participate as a partner in the SCRF. Specifically, in that agreement the two counties will agree that: (1) the SCRF will host eligible inmates from both County A and County B; and (2) CDCR will construct the SCRF with capacity to accommodate eligible inmates from both counties.

CSA's RFP states on page 6, paragraph two, "Although the CDCR/CSA foresees issuing a second RFP for up to \$470 million for additional Phase II jail construction as authorized by this legislation, counties should be aware that it is possible that the rank-ordered funding list established in response to this current RFP may be used for Phase II funding determinations." If the Board determines that a second RFP should be issued for Phase II funding, then the Board will hear public comment and consider adopting, modifying, or rejecting the Phase I Jail Construction RFP. This action could include: granting counties preference points in a Phase II application for siting a regional Reentry Facility in Phase I.

19. Q: CDCR has indicated that counties cannot operate the facilities. Can CDCR contract for any of the services? If so, how much will be available in contract dollars?

A: As outlined in the Secure Community Reentry Facility Planning Guide July 2008, SCRF's will be constructed, operated and established by CDCR in collaboration with local community partners. CDCR will fund the cost of operating these facilities to include all programs and services. The amount of contract funds available will be dependent upon the following: size of facility, population needs, availability of parole services, the capacity of the local community service providers, and ongoing budget authority.

20. Q: Who will determine the eligible population for SCRFs (exclusionary criteria)?

A: CDCR will make this determination in accordance with AB 900 directives (i.e. County specific inmates within one year of being released from custody) and in consideration of the risk and needs of the inmates.

21. Q: Will counties be able to provide input into the facility program policies related to SCRFs? Examples: Who will determine access to the facility for community-based services? Who will determine release decisions, etc?

A: CDCR current operations are governed by the California Code of Regulations Title 15, Department Operations Manual (DOM) and Penal Code. Many existing requirements will continue to apply, such as release date, disciplinary practices,

etc. However, counties will be invited to participate in the development of program policies that are specific to the operation of each SCRF.

### **PROGRAM AND POLICY**

22. Q: Where are the guarantees that these secure reentry facilities will not become a maximum security prison such as Pelican Bay State Prison?

A: CDCR will abide by the limitations set forth in AB 900 and all other applicable laws governing the inmates that can be placed in these reentry facilities.

23. Q: What type of housing will be provided, i.e., dorms, cells, mini-apartments, etc.?

A: The final Conceptual Program Plan for SCRFs, includes reception cells, single living unit cells, four person rooms and single living unit (apartment style) with a common living/dining room, bathroom and kitchenette for six bedrooms. The specific design for each SCRF will be dependent upon the size, population and other site-specific factors.

24. Q: What will be the range and scope of programs offered at the Reentry Facility? Will counties be involved in identifying or selecting the appropriate programs?

A: The CDCR has adopted the recommendations of the Expert Panel on Adult Offender Recidivism Programming and is making the California Logic Model operational at all of its facilities, including the SCRFs. This model is based on evidence-based principles and practices which suggest that programs be offered in six core areas, as follows:

- Criminal Thinking, Behaviors, Skill & Associations;
- Aggression Hostility, Anger and Violence;
- Academic Vocational & Financial;
- Family, Marital & Other Relationships;
- Substance Abuse; and
- Sex Offending.

At least one program will be offered in each of these core programming areas if the population to be served requires these services. The programs will be integrated within a comprehensive programming day based on the individual risks and needs of each offender, as well as, community work force needs.

25. Q: Specifically related to the release of offenders, will offenders be transported by CDCR or will they walk out the door?

A: By definition, offenders housed in a SCRF will be from the local area. Therefore, the offenders will be released and transported to their new residence by family, friend, service provider, parole agent and/or other law enforcement representative. During the planning stages for each SCRF, CDCR, local law enforcement and community providers will plan and coordinate efforts in the furtherance of public safety and reentry strategies.

26. Q: If an offender is housed in a regional Reentry Facility, will they still be released only to their County of last residence or will they be released into one of the other host or partner counties?

A: Per PC 3003 the parolee is required to return to his County of last legal residence. Exceptions may apply per statute e.g., victims and inmate petition requests etc.

27. Q: Will CDCR assist in funding post-release services? If so, for how long will those services be funded and how much funding will be available?

A: The CDCR currently funds and will continue to fund an array of community services for parolees throughout the state. Existing services include, but are not limited to, substance abuse aftercare, mental health care, and employment services and support. These services are funded primarily through the Division of Adult Parole Operations (DAPO) and through Recidivism Reduction Strategies funding and total approximately \$400 million annually. While the CDCR funds services specifically for parolees we want to ensure that this is done in a manner that supports and complements the efforts of local communities who ultimately are responsible to serve all residents. The CDCR will ensure that these funds are utilized effectively and efficiently to meet the needs of local parolees, and will work in partnership with communities to identify critical service needs and gaps.